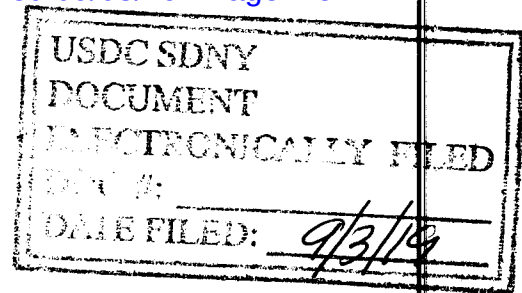


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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MARCO TULLIO TUY GUIT, et al., :

Plaintiffs, : 16 Civ. 7466 (HBP)

-against- : OPINION

38 WATER & STREET INC., d/b/a : AND ORDER

"Obao," et al., :

Defendants. :

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PITMAN, United States Magistrate Judge:

In Opinion and Orders dated August 7 and 19, 2019, I reviewed the proposed settlement in this action brought under the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq. and the New York Labor Law; I found that the proposed settlement was generally fair and reasonable except for the allocation of the net settlement proceeds. I concluded that I could not approve the settlement because although plaintiff Guit's claim represented 57.8% of the plaintiffs' aggregate claim, he was receiving only 47.7% of the settlement proceeds while plaintiff Lopez, whose claim represented 42.2% of plaintiffs' aggregate claim was receiving 52.3% of the settlement proceeds. In all other respects, I found that the settlement agreement passed muster.

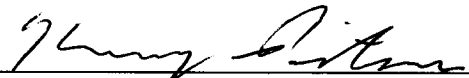
Counsel have now submitted an amendment to the settlement agreement which allocates 58% of the net settlement proceeds to Guit and 42% of the net settlement proceeds to Lopez. Because

the settlement agreement now allocates the net settlement proceeds on a rational basis 52%, i.e., a pro rata allocation, I approve the settlement agreement.

This matter be and hereby is dismissed with prejudice and without costs. The Clerk of the Court is respectfully requested to mark this matter closed.

Dated: New York, New York
September 3, 2019

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

All Counsel